

STAMPS ON PACKAGES OF DISTILLED SPIRITS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

RECOMMENDING

An amendment to section 3289 of the Revised Statutes of the United States.

FEBRUARY 8, 1883.—Referred to the Committee on Ways and Means and ordered to be printed.

TREASURY DEPARTMENT,
February 6, 1883.

SIR: I have the honor to inclose herewith a letter from the Commissioner of Internal Revenue dated the 3d instant, giving reasons for an early amendment of section 3289 of the Revised Statutes, and suggesting that Congress be requested to have an amendment inserted in the bill relating to internal revenue, now pending before it, as follows, viz

That section thirty-two hundred and eighty-nine of the Revised Statutes of the United States be amended by adding thereto the following: "And any package of distilled spirits shall be forfeited to the United States, if such spirits shall be found to differ in proof from the proof indicated by the marks and stamps thereon, unless such difference shall be occasioned by lapse of time, the conditions under which the spirits have been stored or kept, or by other natural causes."

I accordingly recommend that the proposed amendment be inserted in the bill referred to, so that action may be had thereon, if possible, at the present session of Congress, in order that the omission in the present law may be promptly supplied.

I will thank you to have the importance of early attention to this matter promptly laid before the proper committee.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Hon. J. WARREN KEIFER,
Speaker of the House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 3, 1883.

SIR: I have the honor to invite your attention to the opinion of Judge Brown of the United States district court for the southern district of New York, published in the Federal Reporter, vol. xiv, p. 569, in the case of *United States vs. Three Packages Distilled Spirits*. The spirits in question were found in possession of Patrick Mallon, retail liquor dealer, and purported to have been produced by Hannis Distilling Company, second district, West Virginia, the proof of the spirits being 91°, while the marks on the packages indicated that the proof was 105°. On account of this discrepancy the spirits were seized and proceedings instituted for their forfeiture under section 3289, Revised Statutes.

The case was tried on an agreed statement, and it was admitted that the spirits had been properly stamped and that a portion had been drawn off and sold, and that the remainder had been diluted by addition of water. It was held that the spirits were not forfeited under said section.

The effect of this decision will be to open an avenue for fraud and prevent seizure and forfeiture of spirits in the hands of retail liquor dealers which do not correspond in proof with the marks, stamps, and brands.

I think it is a matter of sufficient importance to justify a request for legislation, and I therefore submit the following proposed amendment to the internal-revenue laws, and if you approve of the same, recommend that Congress be requested to have it inserted in the bill now pending before it relating to internal-revenue:

That section three thousand two hundred and eighty-nine of the Revised Statutes of the United States be amended by adding thereto the following: "And any package of distilled spirits shall be forfeited to the United States if such spirits shall be found to differ in proof from the proof indicated by the marks and stamps thereon, unless such difference shall be occasioned by lapse of time, the conditions under which the spirits have been stored or kept, or by other natural causes."

Respectfully,

GREEN B. RAUM,
Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

